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BEFORE THE
SURFACE TRANSPORTATION BOARD

Ex Parte No. 646 (Sub-No. 3)

WAYBILL DATA RELEASED IN THREE-BENCHMARK RAIL RATE PROCEEDINGS


Joint Opening Comments

submitted by

American Chemistry Council, The Fertilizer Institute, National Grain and Feed Association, The National Industrial Transportation League

In a Notice of Proposed Rulemaking served on October 22, 2010, in this docket ("Notice"), the Surface Transportation Board ("Board") republished its April 2, 2010 proposal to amend its rules with respect to the Three-Benchmark methodology used to adjudicate simplified rate case complaints to permit parties to select comparable movements to the issue traffic from the unmasked Waybill Sample data of the defendant carrier for the 4 years that correspond with the most recently published Revenue Shortfall Allocation Method ("RSAM") figures. The above-listed parties ("Interested Parties") submitted Joint Opening and Reply Comments in support of the Board's proposal. The Interested Parties hereby adopt those comments as their Opening Comments in reply to the Board's October 22nd Notice.

Respectfully submitted,



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